

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BRUCE LORICK,

Plaintiff,

9:16-cv-1002 (BKS/DEP)

v.

TINA M. STANFORD, *Chairperson of N.Y.S.  
Div of Parole,*

Defendant.

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**APPEARANCES:**

Bruce Lorick  
81-A-2502  
Shawangunk Correctional Facility  
P.O. Box 700  
Wallkill, NY 12589  
*Plaintiff, pro se*

Adrienne J. Kerwin, Esq.  
Office of Attorney General  
The Capitol  
Albany, NY 12224  
*Attorney for Defendant*

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

**I. INTRODUCTION**

Plaintiff Bruce Lorick commenced this pro se action under 42 U.S.C. § 1983, alleging that Defendant Tina M. Stanford violated his constitutional rights under the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment. (Dkt. No. 15). Defendant filed a motion to dismiss on April 26, 2018, (Dkt. No. 42), and Plaintiff opposed the motion, (Dkt. No. 45). This matter was assigned to United States Magistrate Judge David E. Peebles, who, on

February 27, 2019, issued a Report-Recommendation recommending that Defendant's motion to dismiss be denied. (Dkt. No. 48). Magistrate Judge Peebles informed the parties that, under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the Report-Recommendation, and that failure to do so within fourteen days would preclude appellate review. (Dkt. No. 48, at 17). Although the Court granted Plaintiff's request for an extension of the deadline for filing objections, (Dkt. No. 51), no objections to the Report-Recommendation have been filed.<sup>1</sup>

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

**ORDERED** that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 48) is **ADOPTED** in all respects; and it is further

**ORDERED** that defendant's motion to dismiss (Dkt. No. 42) is **DENIED**; and it is further

**ORDERED** that the Clerk serve a copy of this Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: March 27, 2019

  
Brenda K. Sannes  
**Brenda K. Sannes**  
**U.S. District Judge**

<sup>1</sup> Plaintiff filed a "letter brief in response" to the Report-Recommendation on March 14, 2019, which summarizes the standard for a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), some caselaw relevant to equal protection claims, and the facts of his case. (Dkt. No. 52). It does not, however, contain any objections to Magistrate Judge Peebles' Report-Recommendation or otherwise address its substance. In any event, the Court notes that the outcome here, which allows this litigation to proceed, is beneficial to Plaintiff.